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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D-2005-64485

JONAH FROST
3838 Vinton Avenue, #207
Culver City, CA 90232

A C C U S A T I O N

Physical Therapist No. PT 32194

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California (Board).
2. On or about September 19, 2005, the Board issued Physical Therapist License Number PT 32194 to Jonah Frost (Respondent). Said license is current and valid and will expire on February 28, 2007, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

“ . . . (b) Fraud in the procurement of any license under this chapter.

... (l) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapy assistant.”

COST RECOVERY

5. Section 2661.5 of the Code states:

(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.

(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of the assessed costs specified in the proposed decision.

(c) When the payment directed in an order for payment of costs is not made by the licensee, the board may enforce the order of payment by bringing an action in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

(d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate

1 the license or approval of any person who has failed to pay all of the costs ordered under this
2 section.

3 (2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally
4 renew or reinstate for a maximum of one year the license or approval of any person who
5 demonstrates financial hardship and who enters into a formal agreement with the board to
6 reimburse the board within that one year period for those unpaid costs.

7 (f) All costs recovered under this section shall be deposited in the Physical
8 Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually
9 recovered or the previous fiscal year, as the board may direct.

10 11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Procurement of License by Fraud/Dishonesty)**

13 6. Respondent is subject to disciplinary action under sections 2660(b) and/or
14 (l) in that respondent obtained a license by fraud and/or failed to disclose offenses substantially
15 related to the qualifications, functions or duties of a physical therapist. The circumstances are as
16 follows:

17 A. On or about May 21, 1994, respondent was arrested by police officers in
18 Troy, New York, by reason of his operation of a motor vehicle while his ability was impaired by
19 alcohol. Thereafter, respondent was charged with driving while intoxicated and driving with a
20 blood alcohol in excess of .10. The charges were dismissed and respondent pleaded guilty to the
21 lesser offense of driving while ability impaired by alcohol (DWAI) in violation of Vehicle and
22 Traffic Laws section 1192.1, an infraction. Respondent's driver's license was revoked for one
23 year and he was ordered to complete a Drinking Driver Program.

24 B. On or about November 15, 1997, respondent was arrested in Rensselaer
25 County, State of New York, by reason of his operation of a motor vehicle while his ability was
26 impaired by alcohol. Thereafter, respondent was charged with driving while intoxicated and
27 driving with a blood alcohol in excess of .10. Said charges were dismissed and respondent
28 pleaded guilty to the lesser offense of driving while ability impaired by alcohol in violation of

1 Vehicle and Traffic Laws section 1192.1, an infraction.

2 C. On February 18, 2005, respondent executed an application for licensure as
3 a physical therapist under penalty of perjury under the laws of the State of California, wherein he
4 stated that the matters stated therein were true and correct and, further, that he understood that
5 any misrepresentation of any item or response on the application or any attachment thereto would
6 constitute a sufficient basis for denying or revoking his physical therapist license.

7 D. Question no. 18 on respondent's license application asked: "Have you
8 ever been convicted of, or pled nolo contendere to any offense in any offense in any state in the
9 United States or a foreign country?" The instructions for answering the question specified that
10 "[a]ny and all convictions must be disclosed, including a citation, **infraction**, misdemeanor
11 and/or felony . . . Serious traffic convictions such as reckless driving, driving under the influence
12 of alcohol . . . MUST be reported." (emphasis in bold type added to original) The information
13 requested was related to the qualifications, functions or duties of a physical therapist.

14 E. Respondent answered Question no. 18 by checking the box indicating
15 "No." This answer was untrue.

16 7. Respondent's license is subject to discipline in that respondent is guilty of
17 violation of Business and Professions Code section 2660 (b) and/or 2660(l), to wit: Obtaining a
18 license by fraud and/or dishonesty related to the qualifications, functions, or duties of a physical
19 therapist.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Physical Therapy Board of California issue a
4 decision:

5 1. Revoking or suspending Physical Therapist License Number PT 32194,
6 issued to Jonah Frost.

7 2. Ordering Jonah Frost to pay to the Board the reasonable costs of the
8 investigation and enforcement of this case, pursuant to Business and Professions Code section
9 2661.5;

10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: January 30, 2007

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14 Original Signed By:
15 STEVEN K. HARTZELL
16 Executive Officer
17 Physical Therapy Board of California
18 Department of Consumer Affairs
19 State of California
20 Complainant

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